

Message Text

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ACTION EB-07

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FM AMEMBASSY TAIPEI

TO SECSTATE WASHDC 5119

INFO AMCONSUL HONG KONG

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E.O. 11652: GDS

TAGS: BDIS, EIND, TW

SUBJECT: TRADE COMPLAINT - PIRATING OF NUMASCA PRODUCTS

REF: STATE 065237

1. EMBOFFS DISCUSSED SUBJECT TRADE COMPLAINT WITH MR. ALAN FERBER OF NUMASCA DURING HIS RECENT VISIT TAIPEI, AND HAVE TAKEN SEVERAL STEPS TO ASSIST HIS FIRM.

2. CRUX OF PROBLEM IS THAT FERBER'S COMPANY DID NOT REGISTER NUMASCA TRADEMARK IN ROC AND A LOCAL FIRM DID. THUS, UNTIL CHUAN SHAN'S TRADEMARK IS CANCELLED LOCAL FIRM CAN LEGALLY CONTINUE, UNDER ROC LAW, TO MANUFACTURE AND EXPORT COSMETIC PRODUCTS UNDER NUMASCA TRADEMARK. FERBER AGREED THAT UNDER CIRCUMSTANCES THERE IS LITTLE EMBASSY CAN DO EXCEPT EXERT "MORAL SUASION" ON SELECTED GROC OFFICIALS, WHICH WE AGREED TO DO.

3. ECONCOUNS RAISED MATTER WITH DR. WERNER Y.F. NING, DIRECTOR, NBS. NING CONCEDED INVESTIGATION WHICH PRECEDED GRANT OF TRADEMARK TO LOCAL FIRM APPARENTLY A BIT "SLOPPY" AND PROMISED TO LOOK INTO MATTER. HOWEVER, HE IMPLIED THERE LITTLE HE COULD DO GIVEN PROCEDURES AND PROTECTIONS SPECIFIED BY TRADEMARK LAW.

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4. EMBOFF HELPED ARRANGE AND PARTICIPATED IN MEETING BETWEEN MR. FERBER AND SENIOR OFFICIALS OF CHUAN SHAN, INCLUDING COMPANY HEAD S.T. CH'EN. DURING MEETING MR. FERBER ADVISED MR. CH'EN THAT AMERICAN FIRM PLANNED INITIATE

CANCELLATION PROCEEDINGS BUT WAS WILLING SEEK OUT-OF-COURT SETTLEMENT. PROPOSALS WERE MADE AND SPECIFIC FIGURES DISCUSSED AT TIME DID NOT APPEAR WARRANTED. MR. FERBER ALSO DISCUSSED LICENSING CHUAN SHAN. ALTHOUGH LATTER EVINced SOME INTEREST IN A LICENSING ARRANGEMENT, NOTHING CONCRETE EVOLVED FROM DISCUSSIONS.

5. ECONCOUNS PROMISED MR. FERBER THAT HE WOULD RAISE NUMASCA CASE WITH MINISTER OR VICE MINISTER OF ECONOMIC AFFAIRS (MOEA) AND EXPRESS OUR CONCERN. (NKBS IS UNDER JURISDICTION OF MOEKA.) ECONCOUNS PLANS DO SO AT FIRST OPPORTUNITY AND WILL ADVISE REACTION. GIVEN FACT THAT LEGAL PROCEEDINGS WILL SOON GET UNDERWAY, THEREPROBABLY LITTLE MOEA OFFICIALS CAN DO AT THIS POINT. EXPRESSION OF US GOVERNMENT CONCERN MAY BE HELPFUL IN GETTING FAVORABLE AND PROMPT RULING, HOWEVER. POPPLE

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